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6   **UNITED STATES DISTRICT COURT**

7   **DISTRICT OF NEVADA**

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9   IN RE APPLICATION OF: BECTON   )   3:15-cv-00233-HDM-WGC
    DICKINSON GmbH AND BECTON   )
10 DICKINSON AUSTRIA GmbH FOR THE   )
    TAKING OF THOMAS C. KURACINA'S   )   ORDER
11 DEPOSITION AND FOR THE PRODUCTION)
    OF DOCUMENTS FROM THOMAS C.   )
12 KURACINA AND INJECTIMED INC., FOR)
    USE IN A FOREIGN PROCEEDING UNDER)
13 28 U.S.C. § 1782(a)   )
    _____)

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15   Before the court is petitioner Becton Dickinson GmbH and

16 Becton Dickinson Austria GmbH's emergency motion to de-designate

17 documents marked confidential and memorandum of points and

18 authorities (#27). Respondents Thomas C. Kuracina and Injectimed,

19 Inc. filed a response (#30).

20   The court, having considered each of the documents, and good

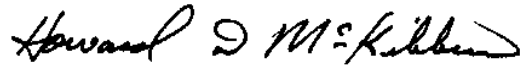21 cause appearing, finds as follows:

22   1) The documents the subject of the current motion are

23 "private materials unearthed during discovery," and therefore the

24 appropriate standard of consideration is "good cause." *See Pintos*

25 *v. Pacific Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2009);

26 *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

27   2) In determining whether good cause exists to permit the

28 designation of materials as confidential, the court must "balanc[e]

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1 the needs for discovery against the need for confidentiality."

2 *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d

3 1205, 1213 (9th Cir. 2002). The court finds that petitioner has

4 made an insufficient showing that the need for discovery of all of

5 the material contained in the subject documents outweighs

6 respondent's need for confidentiality. Therefore, the court hereby

7 **DENIES** petitioner Becton Dickinson GmbH and Becton Dickinson

8 Austria GmbH's emergency motion to de-designate the documents that

9 are the subject of the current motion.

10   IT IS SO ORDERED.

11   DATED: This 19th day of August, 2015.

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13   _____
        UNITED STATES DISTRICT JUDGE

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